



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

MICHAEL T. SCUSE
SECRETARY

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

Respondent:

**Greenix Pest Control
699 Industrial Dr.
Middletown, DE 19709**

Violations:

§1224(b)(1) – First offense of, making a pesticide recommendation or use or application inconsistent with the labeling, the EPA or state registration for the pesticide, or in violation of the EPA or state restrictions of the use of that pesticide.

Penalty:

Respondent signed a consent agreement on February 2022. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1080.00

STIPULATED FACTS

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1. Greenix Pest Control (“Respondent”) is a commercial pesticide applicator business with an office located at 699 Industrial Drive, Middletown, DE 19709. Respondent is licensed (License No. 1833) by the Delaware Department of Agriculture (“the Department”). Eric Hartz is the Manager of the Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 16-530), in Category 7.7.1.1 General Pest Control (7A). The Respondent holds certification categories 7.7.1.1(7A), 7.7.1.2 (7B) and 7.5.3 (5C).
2. Respondent employs Justin Cannalley and is employed as a certified applicator. Certification number 22-39.
3. Respondent employed Richard Tyndall as a registered service employee. Mr. Tyndall’s registration began on 6/3/2021 and it ended on 12/9/2021.

4. Respondent employs Mr. Barry Cruz as the Vice President.
5. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. Dustin Bornltreger, (“Bornltreger”), is employed as an Environmental Scientist III with the Department. James Hughes (“Hughes”) is employed as an Environmental Program Manager I.
6. On December 7th, 2021 the Department received a complaint call from a resident stating that the Respondent had not followed label directions during a treatment at their residence. The homeowner stated that they had complained to the office staff and had not received a satisfactory resolution to his complaint. The caller also informed the department that the label violation had been captured on home security cameras.
7. On December 7th, 2021 at approximately 1:30PM, Bornltreger and Hughes arrived at 113 Stuart St., Dover, DE 19901. After presenting their state issued credentials and presenting the homeowner with a notice of inspection form, they began their inspection of the property. The homeowner described the service at his home; the Respondent was treating for meadow voles. The homeowner then presented Bornltreger and Hughes the video security footage of the treatment. The video clearly shows a Greenix employee tossing rodenticide bait blocks taken directly from the product bucket using a non-gloved hand. Several bait blocks are tossed into bushes during the video clip. The video was time stamped 11/10/2021 – 2:07PM. The homeowner then presented the inspectors with a bag containing 14 rodent bait blocks. These blocks were picked up by the homeowner from around his yard. The homeowner was concerned with exposure to his dogs, the neighbor’s children, and wildlife.
8. The homeowner also shared a letter he had sent to the corporate office outlining his concerns with the treatment and subsequent response of the branch. The letter outlines the treatment, mis-treatment discovery and contact made with various employees of the Respondent and the bait station retrieval plan. The bait stations had not been picked up as of the Departments visit to the property on December 7th, 2021.
9. During the inspection Bornltreger noted several bait stations located around the perimeter of the house. One of the bait stations was located approximately 30 feet from the foundation of the house.
10. After meeting with the homeowner, Bornltreger contacted the respondent and spoke to Justin Cannalley, Branch Manager about the situation. Bornltreger sent an image from the video so Mr. Cannalley could identify the applicator. Mr. Cannalley identified the applicator as Richard Tyndall. Bornltreger then asked for all of the application records that involved Mr. Tyndall applying rodenticide. This request was made so other homeowners could be contacted to ensure that rodenticide had not been applied in the same manner as the video surveillance had shown. Later that day Bornltreger emailed a Notice of Inspection to Mr. Cannalley.
11. On December 10th, 2021, Bornltreger received a phone call from Barry Cruz, Greenix

Pest Control Vice President. Borntreger explained the nature of the complaint and why the records had been requested. Mr. Cruz agreed to have a team member send the records of application, he also informed Borntreger that Mr. Tyndall had been terminated.

12. On December 13th, 2021, Borntreger received all the applications records that he had requested. Borntreger contacted each resident that had treatments done in November and December 2021. The Department could not document that any of the other properties had experienced the same treatment issue as 113 Stuart Drive, Dover DE.
13. The application record for 113 Stuart Drive, Dover DE 19901 dated November 10th 2021, indicated that Contrac Blox, EPA Reg. No. 12455-79 had been used at the property. The service notes indicated the baits were place within the bait stations, but the “Diluted Amount” was left blank on this record. Other records that were received during this investigation had the number of bait blocks listed under this portion of the service ticket.
14. 601 Delaware Pesticide Rules and Regulations Section 14.1.2: When applicable, the dilution rate of the pesticide and the amount of diluted material applied per unit (i.e. gallons/acre, lbs/acre, etc.)
15. Contrac All-Weather Blox, EPA Reg. No. 12455-79 is a registered pesticide in the State of Delaware. This product has the signal word of “Caution” on the EPA stamped label.
16. Under the “Directions For Use” section of the label the Contrac All-Weather Blox label states: “Bait stations are mandatory for outdoor, above-ground use. Tamper resistant bait stations must be used wherever children, pets, non-target mammals, or birds may have access to the bait placement locations. The Contrac All-Weather Blox label also states: “Apply bait in locations out of reach of children, pets, domestic animals and nontarget wildlife, or in tamper resistant bait stations.”
17. Under the “PRECAUTIONARY STATEMENTS” section of the label the Contrac All-Weather Blox labels states: “All handlers (including applicators) must wear shoes plus socks and waterproof gloves. Any person who retrieves carcasses or unused bait following application of this product must wear gloves.”
18. At the time of the application the Respondent did not hold a valid certification that covered the Ornamental and Turf category. The Department classifies meadow voles as an ornamental and turf pest as they are rarely found to inhabit structures and most often cause damage to turf not structures. The record of application lists mice/rats as the target pest, but the homeowner stated during their interview that the target pest was voles. Also, one of the bait stations was placed away from the perimeter of the structure indicating that the target species was not invading the home structure.
19. 601 Delaware Pesticide Rules and Regulations Section 4.2 Employee Registration 4.2.1 Licensees shall register with the Department all employees who handle pesticides. Registration shall be made when making an application for a license or within 45 days

after employment. The fee for registering an employee shall be \$25.00. However, the employee registration fee shall be waived if the employee is certified under the LAW.

20. In the past 5 years, Respondent has no pesticide compliance violations with the Department.